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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

TYLER MILLER, an individual,

Plaintiff,

vs.

Case No. 3:23-cv-00293-SI

THIRD DECLARATION OF TYLER
MILLER

HENRY HEIMULLER, in his official capacity
as Board Member of the Columbia 9-1-1
Communications District; BRUCE HOLSEY,
in his official capacity as Board Member of the
Columbia 9-1-1 Communications District;
JEFF FLATT, in his official capacity as Board
Member of the Columbia 9-1-1
Communications District; and SHELLEY
HENNESSY, in her official capacity as Board
Member of the Columbia 9-1-1
Communications District,

Defendants.

I, Tyler Miller, declare as follows:

1. My Name is Tyler Miller. I am over the age of 18 years old. I live within Columbia County, Oregon. I make this declaration on personal knowledge unless otherwise indicated. If called upon to do so, I would testify truthfully as follows.

2. In the months leading up to Defendants' vote to ban me on February 23, 2023, including prior to September 2022, I spoke out at least a dozen times against the Columbia 9-1-1 Communications District's (the "District") plans to give only Motorola Solutions the opportunity to submit a sole-source contracting proposal, and to merge the Columbia 9-1-1 Communications District with Washington County's 9-1-1 systems (the "Proposals"). I similarly questioned the District executive director and board about the Proposals when attending District meetings.

3. On March 23, 2023, I attended the District Board Meeting, which the public was permitted to attend solely through Zoom. I was blocked from seeing any other public participants on the Zoom meeting. I could only see the Executive Director and two board members, who were in the same room. The camera only showed a board member while they were talking, so I could not see the reactions of other board members. It was very hard to hear the board members. When people talked over one another, it was impossible to tell who was talking or what was said. I was not able to message anyone for the majority of the meeting and after public comment time was closed. About halfway through the meeting, I noticed the Zoom settings had been changed and I could then message only the "host and panelists," but not any public attendees. Because I was blocked from messaging anyone, I could not even message about problems with the audio.

4. This is the first meeting I have ever seen by the District, via Zoom, where I have not been able to see the other participants and message them directly, or through the Zoom group

chat feature. From my experience with Zoom, I know these settings to be settings the “host” controls.

5. From 2011 to 2017, I served as a reserve deputy sheriff for the Columbia County Sheriff’s Office.

6. Attached hereto as Exhibit 1 are true and correct copies of excerpts of Minutes of the Board of Directors Regular Meeting, 9/22/22, which I downloaded from the District’s website.

7. Attached hereto as Exhibit 2 are true and correct copies of excerpts of Minutes of the Joint Board of Directors and Advisory Committee Meeting of the Columbia 9-1-1 Communications District, dated October 25, 2022, which I downloaded from the District’s website.

8. In May 2023, there will be an election for three of the five District director positions. I have promoted candidates to run for those positions who, among other things, share my concerns about the District’s plans to give only Motorola Solutions the opportunity to submit a sole-source contracting proposal, and to merge the Columbia 9-1-1 Communications District with Washington County’s 9-1-1 systems. There are at least three other qualified vendors who can meet the requirements for a new public safety radio system who should be allowed to submit a competitive proposal.

9. Prior to the District’s opposing my motion for temporary restraining order and preliminary injunction filed in this case, I had no knowledge of any complaints about me by Chandra Egan and Dannell Hooper nor that the District had conducted an investigation about me.

10. The Scappoose City Council appointed me as their liaison to 9-1-1 communications serving city residents. The Scappoose City Council created the liaison position

to advise the City Council on what is going on at the District, since the District provides an important service to residents of the City of Scappoose, and the City Council is concerned about the Proposals.

11. In prior years, I was the only person who attended District board meetings. These meetings occur during the workday, so I attended as a service to my constituents in Scappoose. Over the last two years, I have been able to organize concerned citizens to attend these meetings. Now, between 2 and 15 people typically attend District board meetings.

12. Other public entities occasionally hold meetings on District property, such as Columbia River Fire and Rescue. I have attended such meetings in the past and seek to continue doing so going forward. Other public agencies also use the large board room on District property to hold meetings and trainings.

13. I am actively pursuing reinstatement as a reserve deputy sheriff. In that position, I would need access to District communications systems in order to communicate with other on duty first responders, to include on duty dispatchers via radio, the CAD system, and phone.

14. Beginning at the in-person District board meeting on February 23, 2023, law enforcement officers were on site. I have not seen law enforcement officers at District Board Meetings prior to that date. I feel this action is to intimidate me and make me feel unwelcome at public meetings.

I declare under penalty of perjury that the foregoing is true and correct, and that I executed this declaration on April 12, 2023, at Scappoose, Oregon.


Tyler Miller